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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 PRINCE E. KENNEDY,  
12                   Petitioner,  
13                  v.  
14 STATE OF WASHINGTON,  
15                  Respondent.

Case No. C08-5308BHS-KLS  
ORDER TO SHOW CAUSE

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17                  This matter is before the Court on petitioner's petition for writ of *habeas corpus* pursuant to 28  
18 U.S.C. § 2254. The Court, having reviewed petitioner's petition and the balance of the record, hereby  
19 finds and ORDERS:

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21                  On May 12, 2008, petitioner filed a petition for writ of *habeas corpus* pursuant to 28 U.S.C. §  
2254. (Dkt. #1). Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District  
23 Courts reads in relevant part:

24                  If the applicant is presently in custody pursuant to the state judgment in question, the  
25 application shall be in the form of a petition for a writ of habeas corpus in which the  
state officer having custody of the applicant shall be named as respondent.

26                  A petitioner for *habeas corpus* relief, therefore, must name the state officer having custody of him or her  
27 as the respondent to the petition. This person typically is warden of the institution where the petitioner is  
28 incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction.

1     Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994) (citations omitted).

2         Petitioner currently appears to be incarcerated at the Monroe Correctional Complex, located in  
3 Monroe, Washington, the Superintendent of which is Ken Quinn. However, petitioner has named the  
4 State of Washington as the respondent in this matter. Clearly, this is not the state officer having custody  
5 over petitioner, and thus is not the proper respondent.

6             Accordingly, the Court shall not serve the petition on respondent. In addition, petitioner shall file  
7 by **no later than June 26, 2007**, an amended petition under 28 U.S.C. § 2254 containing the name of the  
8 proper respondent, i.e., the superintendent of the institution where he is incarcerated, which, as of the date  
9 hereof, is Mr. Quinn. Petitioner also shall provide the appropriate number of copies of the amended  
10 petition for service.

11             The Clerk shall send a copy of this Order to petitioner.

12             DATED this 27th day of May, 2008.



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14             Karen L. Strombom  
15             United States Magistrate Judge  
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